

REMARKS

Applicant traverses the 35 U.S.C. § 103(a) rejection of claims 1-4, 7, 9-12, and 19-20 over Omura (U.S. 5,552,786) in view of Klinghauf (U.S. 6,969,089); the § 103(a) rejection of claims 5-6 over Omura in view of Brambilla (U.S. 2001/0054816); and the § 103(a) rejection of claims 8 and 13 over Omura in view of Mizutani (U.S. 2004/0122573).

In making a rejection under 35 U.S.C. § 103, the Examiner “bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. See M.P.E.P. § 2142. In its decision in *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q. 2d 1385 (2007), the Supreme Court confirmed that the “framework for applying the statutory language of §103” was still based on its landmark decision in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). Under *Graham*, there are four factors for consideration when determining whether an invention is obvious:

- (1) the scope and content of the prior art;
- (2) the differences between the prior art and the claims at issue;
- (3) the level of ordinary skill in the art; and
- (4) secondary considerations.

383 U.S. at 17, 148 U.S.P.Q. at 467. The obviousness or non-obviousness of the claimed invention is then evaluated in view of the results of these inquiries. *Graham*, 383 U.S. at 17-18, 148 U.S.P.Q. 467; see also *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1734 (2007); and M.P.E.P. § 2141.

In order to satisfy the initial burden of establishing a *prima facie* case of obviousness, the Examiner first must show that the prior art references teach or suggest all the claim limitations. See *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). See also M.P.E.P. § 2143.

Applicant has amended the claims to recite, in combination with the other recited elements of the vehicle seatbelt winding apparatus, only one winding motor. Support for this amendment appears on pages 9 and 10 of the specification which disclose that the first and second winding control units control an electric motor 20, which winds the seatbelt. No other motor, electric or otherwise, is disclosed. Further, Fig. 1 also depicts a single electric motor 20 for winding the vehicle seatbelt.

In contrast, Omura discloses that its first winder (first preloader mechanism PT1) is an electric motor (see col. 4, Ins. 31-51) and that its second winder (second preloader mechanism PT2) is an explosive preloader (see col. 4, Ins. 32-64). Omura does not disclose or suggest first and second winding control units powered by only one winding motor.

Moreover, with only one winding motor, and first and second winding control units, the winding motor release control unit releases the seatbelt to move freely even if the seatbelt is wound by the second winding control unit. In contrast, in Omura, the seatbelt cannot be released to move freely after it is wound by the second winding control unit/explosive preloader.

Neither Klinghauf, Brambilla, nor Mizutani disclose or suggest the only one winding motor claim feature absent from Omura. Therefore, no possible combination of

these references creates a *prima facie* case of obviousness. See *In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998). See also M.P.E.P. § 2143.

In view of the foregoing amendments and remarks, Applicant submits that the amended claims are neither anticipated nor rendered obvious in view of the cited prior art references. Applicant requests reconsideration of the application, and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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